SINGLE BENCH

(1)

(4)

IN THE HIGH COURT OF JUDICATURE, AT-BILASPUR(C.G.)

WRIT PETITION NO. 6121 OF 2005

PETITIONER : Smt. Reeta Choubey
Aged about – 42 years
Wife of Shri Albert Choubey
Posted as – Lecturer (Biology)
at – Govt. College of Education,
Distt. – Raipur (C. G.)
R/o Shyam Nagar, In front of I. T. I.,
P. O. – Ravi Gram, Raipur,
District – Raipur (C. G.)

P.R. No. 6184/05
Presented by B.K. Chakraborty
dated 1/12/05

VERSUS

RESPONDENTS :
1. State of Chhattisgarh
Through – The Secretary,
School Education Department
D. K. S. Bhawan, Raipur

2. The Director,
Public Instructions, Chhattisgarh
Raipur

3. The Principal,
Govt. College of Education, Raipur

4. Smt. Pratibha Dewangan,
Lecturer (Biology)
Through – The Principal,
Govt. College of Education, Raipur
District – Raigarh (C. G.)

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(14) 1.12.08
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE – 226 & 227 OF CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) No. 61 of 05 **सन् 200**

(52)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.6.2006:- Shri R.K. Kesharwani, counsel for the petitioner. Shri Sushil Dubey, Govt. Advocate for the State/respondents No.1 to 3. Shri Galib Dwivedi, counsel for respondent No.4. Heard. The case of the petitioner is that in the year 1985 she was appointed as Lecturer (Biology). The petitioner after joining her services continued with the same with full devotion. The petitioner was transferred from Government Higher Secondary School, Neora to the Govt. College of Education, Raipur vide order dated 22-11-2005, Annexure-P/1. The petitioner was relieved from Neora on 23-11-2005 and she joined in the office of the Government College of Education, Raipur on the same day. Copies of the relieving and joining letters are Annexure-P/2. However, respondent No.3 refused to take the petitioner on duty w.e.f. 24-11-2005 and sent a letter to the Secretary, Government of Chhattisgarh School Education that post of lecturer is not vacant, therefore, the petitioner cannot be allowed to join her duties. In order to accommodate respondent No.4 the petitioner was not allowed to join. The petitioner preferred a representation to the Secretary to the Government on 28th/29th-11-2005. Learned counsel for the petitioner submitted that after filing of this petition the petitioner has been allowed to work in the Government College of Education, Raipur, vide letter dated 16-2-2006 the petitioner has joined and she is performing her duties which has been mentioned in the rejoinder filed by the petitioner, but the salary from the month of December to February has not been paid.	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Reply has been filed on behalf of respondents No.1 to 3 in which it has been mentioned that the petitioner was transferred to Raipur on her own request. It has further been mentioned that the petitioner gave her joining on 23-11-2005. It has further been mentioned that the Principal, Govt. College of Education wrote a letter on 24-11-2005 stating that no post is vacant. Again on 28-1-2006 and 6-2-2006 the Principal wrote a letter to the Secretary for seeking clarification. On 16-2-2006, the Government directed respondent No.3 to comply with the Government's order. In para-6, it has been mentioned that in pursuance of that the petitioner has been allowed to join her duties.

It is evident from the petitioner's petition and reply filed on behalf of respondents No.1 to 3 that the petitioner is an obedient public servant, complied with the Government order dated 22-11-2005, she was relieved on 23-11-2005 from the Government Higher Secondary School, Neora and she submitted her joining report on 23-11-2005. On account of highhandedness of respondent No.3, she was not allowed to join and respondent No.3 wrote letters to the Government seeking clarification on which the Secretary to the Government directed respondent No.3 to allow the petitioner to join her duties vide order dated 16-2-2006 and in pursuance of the same the petitioner has been allowed to join. Therefore, in the circumstances, when the petitioner submitted her joining report on 23-11-2005 in pursuance of the Government order and later on in compliance of the same, the petitioner was allowed to join, therefore, the petitioner could not get the salary w.e.f. 23rd November 2005 till the date of joining in the month of February 2006. In the circumstances, action of respondent No.3 by any means cannot be held to be legal action, as such

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मामला क्रमांक ..... सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	respondent No.3 is directed to pay the salary to the petitioner as admissible w.e.f. 23-11-2005. The writ petition is disposed of accordingly. Consequently, M.(W.)P. No.4859/2005 and I.A. Nos.788/2006, 2560/2006 & 789/2006 also stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	